

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 5-10 and 19-24 are objected to. The undersigned spoke with Examiner Robinson on January 21, 2009 via telephone regarding objected to claims 5-10 and 19-24. Although not explicitly stated in the Final Office Action (Paper No. 20080424) or the subsequent Advisory Action (Paper No. 20080924), Examiner Robinson confirmed that these claims contained allowable subject matter but were objected to for being dependent on rejected base claims.

Since claims 5, 7, 19 and 21 have been rewritten in independent form to include all of the limitations of the base claim from which they depend (there were no intervening claims), the applicants respectfully submit

that these claims are in condition for allowance. Furthermore, since claim 6 depends from claim 5, since claims 8-10 depend from claim 7, since claim 20 depends from claim 19, and since claims 22-24 depend from claim 21, these claims are also in condition for allowance.

#### Rejections under 35 U.S.C. § 103

Claims 1-4, 11-18 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,939 ("the Herz patent") in view of U.S. Patent No. 6,332,127 ("the Bandera patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claims 1-4, 11-18 and 25-28 have been canceled, this ground of rejection is rendered moot.

#### Claim amendments

In addition to the claim amendments discussed above, method claims 5 and 7 have been amended to recite that each of the acts are performed by a computer system including at least one computer. This amendment is supported, for example, by Figure 11 and page 26, line 13 through page 27, line 16 of the present application.

Furthermore, claims 19 and 21 have been amended to replace means-plus-function elements and to include one at least one processor and at least one storage device storing processor-executable instructions which, when executed by the at least one processor, perform a method. This amendment is supported, for example, by Figure 11

and page 26, line 13 through page 27, line 16 of the present application.

#### Entry of Amendments

Since the amendments to claims 5, 7, 19 and 21 raise no new issues and either rewrite objected to dependent claims in independent form, or cancel rejected claims to place this application into condition for allowance, the applicants respectfully request that these amendments be entered.

#### Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

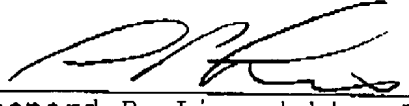
Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to

FEB 27 2009

certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

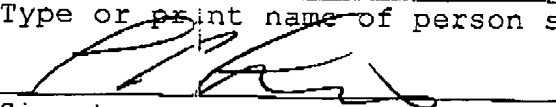
February 27, 2009

  
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